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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/621,815

07/17/2003

James H. Quiggins

1022-02901

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23505

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EXAMINER

ALEXANDER, REGINALD

ART UNIT

PAPER NUMBER

1761

MAIL DATE

DELIVERY MODE

07/09/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/621,815

Applicant(s)

QUIGGINS ET AL.

Examiner

Reginald L. Alexander

Art Unit

1761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____                                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/03</u> .   | 6) <input type="checkbox"/> Other: ____                           |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 30 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Schirmer.

There is disclosed in Schirmer a cooking apparatus, comprising: a vessel 20 having an annular rim; an insert 14 supported in rotational engagement with the vessel and comprising an annular rim portion engaging the vessel rim, the insert further having straining apertures therein; C-shaped latches 24 attached to the annular rim of the vessel; locking projections 53 attached to the annular rim of the insert for alignment with the latches; and a lid 25 mountable upon the rim of the vessel.

Claim 5 is rejected under 35 U.S.C. 102(b) as being anticipated by Delaquis et al.

There is disclosed in Delaquis a cooking apparatus comprising: a vessel 10 having an annular rim 18; a strainer insert 12, 52 supported in rotational engagement with the vessel and comprising an annular rim portion 44 engaging the vessel rim; a latch member 46; and least one cutout 20, 22; wherein the insert is detachable from the vessel when the latch is aligned with the cutout.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schirmer in view of Nagao.

Nagao discloses the use of a straining insert having a central access opening and surrounding peripheral straining apertures.

It would have been obvious to one skilled in the art to modify the insert of Schirmer with that taught in Nagao, in order to allow access to a central region of the vessel without removing the insert.

Claims 5-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schirmer in view of Harrison.

Harrison discloses the use of cutouts 28 on an insert annular rim, the cutouts being aligned with projecting latches 26 on an annular rim of a supporting base member, the latches forming with a lower rim, a C-shape.

It would have been obvious to one skilled in the art to substitute the insert projections of Schirmer with the cutouts taught in Harrison, in order to provide an alternative means for providing a rotating locking arrangement between the insert and vessel rims.

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Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schirmer in view of Harrison as applied to claims 5-13 above, and further in view of Nagao.

Nagao discloses the use of a straining insert having a central access opening and surrounding peripheral straining apertures.

It would have been obvious to one skilled in the art to modify the insert of Schirmer, as modified by Harrison, with that taught in Nagao, in order to allow access to a central region of the vessel without removing the insert.

Claims 15-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schirmer in view of Nagao and Harrison.

Schirmer, as discussed above, discloses all of the claimed subject matter except for an insert access opening, which has been taught in Nagao, and a rim cutout, which has been taught in Harrison.

It would have been obvious to one skilled in the art to modify the insert of Schirmer with that taught in Nagao, for the reasons presented above. Additionally, it would have been obvious to one skilled in the art to substitute the insert projections of Schirmer with the cutouts taught in Harrison, for the reasons presented above.

Claims 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schirmer in view of Jones.

Schirmer, as discussed above, discloses the use of a vessel and insert and locking arrangement between them.

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Jones discloses a locking arrangement where a vessel rim has a cutout (presented between projections 16) and a vessel lid has a C-shaped latch 18.

It would have been obvious to one skilled in the art to substitute the locking arrangement of Schirmer with that taught in Jones and provide cutouts in the vessel rim and C-shaped latches on the insert, in order to provide an alternative means of locking the insert and the vessel together.

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schirmer in view of Jones as applied to claims 25 and 26 above, and further in view of Scorta Paci.

Scorta Paci discloses that it is known in the art to construct a vessel lid of a transparent (see-through) material.

It would have been obvious to one skilled in the art to modify the vessel lid of Schirmer, as modified by Jones, with that taught in Scorta Paci, in order to allow the user to observe a cooking process.

Claims 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schirmer in view of Jones as applied to claims 25 and 26 above, and further in view of Nagao.

Nagao discloses the use of a straining insert having a central access opening and surrounding peripheral straining apertures.

It would have been obvious to one skilled in the art to modify the insert of Schirmer, as modified by Jones, with that taught in Nagao, in order to allow access to a central region of the vessel without removing the insert.

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### **Conclusion**


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patent to Scheuplein is cited for its disclosure of the state of the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reginald L. Alexander whose telephone number is 571-272-1395. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Keith Hendricks can be reached on 571-272-1401. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

rla  
05 July 2007

  
Reginald L. Alexander  
Primary Examiner  
Art Unit 1761